

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks. Claims 1, 19, 28, 37, and 61 have been amended herein. Support for the amendments may be found in paragraphs 16, 51, and 54-59 of the originally filed specification. Claims 81-109 have been canceled without prejudice or disclaimer to the subject matter contained therein. Therefore, claims 1-9, 19-32, 34-80, and 110-116 are pending in the present application of which claims 1, 19, 28, 37, and 61 are independent.

Claims 1, 19, 37, and 101 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Nishi et al. (RE39,318) ("Nishi").

Claims 28 and 105 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Panusopone et al. (6,647,061) ("Panusopone").

Claims 2-9, 20-27, 29-32, 34-36, 61-100, and 102-116 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nishi in view of Takayama (6,512,791).

**Claim Rejection Under 35 U.S.C. §102**

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1, 19, 37, and 101

Claims 1, 19, 37, and 101 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Nishi. This rejection is respectfully traversed because Nishi fails to teach the features of independent claims 1, 19, and 37, for at least the reasons set forth below.

Independent claim 1 has been amended herein to recite that the two dimensional array frequency coefficients include "high-energy low frequency coefficients and low-energy high frequency coefficients," and that "the high-energy low frequency coefficient are scanned before the low-energy high frequency coefficients." These features are described by way of example in paragraphs 16, 51, and 54-59 of the originally filed specification. Similarly, independent claims 19, 28, 37, and 61 have been amended herein to recite equivalent features.

Nishi fails to disclose, at least, these features. In fact, Nishi is silent with respect to the use of high-energy low frequency coefficients and low-energy high frequency coefficients or the scanning of high-energy low frequency coefficients and low-energy high frequency coefficients in a particular order. The remaining prior art of record fails to cure the deficiencies of Nishi.

Therefore, claims 1, 19, 37 are not anticipated by Nishi for, at least, the reasons set forth above. Accordingly, withdrawal of this rejection and allowance of the claims is respectfully requested.

Claims 28 and 105

Claims 28 and 105 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Panusopone. This rejection is respectfully traversed because Panusopone fails to teach the features of independent claim 28 for at least the reasons set forth below.

As set forth above, claim 28 has been amended to recite that the one dimensional array frequency coefficients include "high-energy low frequency coefficients and low-energy high frequency coefficients...wherein the high-energy low frequency coefficients are scanned before the low-energy high frequency coefficients."

Panusopone fails to disclose, at least, these features. In fact, Panusopone is silent with respect to the use of high-energy low frequency coefficients and low-energy high frequency coefficients or the scanning of high-energy low frequency coefficients and low-energy high

frequency coefficients in a particular order. The remaining prior art of record fails to cure the deficiencies of Panusopone.

Therefore, claim 28 is not anticipated by Panusopone for, at least, the reasons set forth above. Accordingly, withdrawal of this rejection and allowance of the claims is respectfully requested.

**Claim Rejections Under 35 U.S.C. §103(a)**

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In *re* Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 2-9, 20-27, 29-32, 34-36, 61-100, and 102-116 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nishi in view of Takayama.

This rejection is respectfully traversed because Nishi and Takayama fail to teach or suggest the features of independent claims 1, 19, 28, 37, and 61, from which claims 2-9, 20-27, 29-32, 34-36, 62-80, and 110-116 depend.

In particular, Nishi fails to teach or suggest that the two dimensional array frequency coefficients include “high-energy low frequency coefficients and low-energy high frequency coefficients,” and that “the high-energy low frequency coefficient are scanned before the low-energy high frequency coefficients,” as set forth above. Takayama fails to cure the deficiencies of Nishi.

Therefore, claims 2-9, 20-27, 29-32, 34-36, 62-80, and 110-116 are at least allowable over Nishi in view of Takayama by virtue of their dependence upon allowable independent claims 1, 19, 28, 37, and 61, respectively. Accordingly, withdrawal of this rejection and allowance of the claims is respectfully requested.

**PATENT**

Atty Docket No.: D03050  
App. Ser. No.: 10/679,911

**Conclusion**

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 503290.

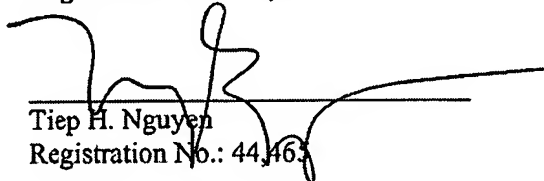
Respectfully submitted,

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By



Christopher Pratt  
Registration No.: 56,147



Tien H. Nguyen  
Registration No.: 44,463

MANNAVA & KANG, P.C.  
8221 Old Courthouse Road  
Suite 104  
Vienna, VA 22182  
(703) 652-3821  
(703) 865-5150 (facsimile)